

## Burkhardt, Julianne

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**From:** Brown, Jennifer  
**Sent:** Thursday, September 19, 2013 12:36 PM  
**To:** Burkhardt, Julianne  
**Subject:** Regarding{ }

The offender's original offense date was 11/9/2009. At the time of the criminal mischief offense, the offender was a juvenile. This was due to vandalism of a motor vehicle. He was not formally charged until he was over the age of 18. At this time he was put on probation.

5/23/2012- Booked into Lewis and Clark County Jail Pending probation revocation.

5/31/2012- Bail was posted and offender was released.

8/28/2012- Booked into Lewis and Clark County Jail Pending probation revocation.

8/30/2012- Bail was posted and offender was released.

10/12/2012- Offender was booked into the Lewis and Clark County Jail.

10/18/12- Probation was revoked. Offender saw the judge and was issued a Parole Eligibility date of 1/23/2013.

10/25/2012- Offender was sent to Broadwater County Jail.

11/21/2012- Offender was placed in the MASC Program in Missoula.

3/14/2013- Offender was placed at the Helena Pre-Release Center.

8/1/2013-Offender was arrested from the Helena Pre-Release Center for two class 2 violations. These violations were contraband (cell phone while at work) and intent to commit a class 2 violation (making arrangements to meet up with an unauthorized visitor).

8/20/2013- Offender filed an appeal regarding his hearing at the Lewis and Clark County Jail. The hearing included the offender, his case worker from the Helena Pre-Release, and the Probation and Parole Officer.

8/22/2013- Letter was sent to the offender that he did not receive, stating his appeal was denied because he did not provide proper documentation which he did not have access to while he was incarcerated. His mother had to get the appeal form from the Helena Probation and Parole office for her son to be able to complete it. The letter stated that he would be recommended for the start program so that he does not just have to sit until his discharge date.

8/23/2013- Offender was transferred to Broadwater County Jail.

9/4/2013- Offender was transferred to START Program to reapply for pre-releases.

Throughout this case the offender's family and I have ran into many brick walls. We have left messages for the director of the Helena Pre-Release, who will not call us back and will sometimes have someone from Department of Corrections call back.

Law & Justice Committee Meeting  
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Since the offenders arrest on August 1<sup>st</sup> 2013 we have made multiple phone calls to The Montana Department of Corrections and to the Helena Pre-Release to find out what options this offender has. He is not a sexual or violent offender and we have been told that he will go to another pre-release or he will sit in a county jail for the remainder of his time. I spoke with the administrator of the adult community corrections program several times and although she was very helpful and was able to provide some information, we still do not understand why he cannot see the parole board if he is parole eligible, why he cannot conditional release, or why a 30 sanction was not added to his pre-release term instead of being transferred from one facility to another. I was told when speaking with her that the offenders must be issued a parole eligibility date by law but that does not mean they will ever see them. I was told that he is not eligible because he has not spent time at Montana State Prison. This makes no sense to his family or me. This is at very least misuse of taxpayer money and contributes to the overcrowding in the jails. At the START Program it has been explained that conditional release is highly unlikely even though this discharge date is 1/25/2014. The offender was also told that he will not be able to see the parole board.

When the offender was arrested at The Helena Pre-Release, he had no prior disciplinary issues and had completed required courses and counseling and was getting his GED. He had taken the first half of his test on 8/1/2013, the day he was arrested. He was set to take the second half on 8/2/2013. The offender was approved for transitional living and would be completing that transition on 8/11/2013.

This is a prime example of non-sexual or violent offenders that have to sit out the remainder of their sentences due to minor violations. A community based program, conditional release or parole would be fitting for this offender. This offender takes full accountability for his actions and does agree that he is guilty of the accusations. Since his original offense he has not had any new charges. He has completed work and educational programs provided.

Furthermore, the lack of communication between the facilities and the Department of Corrections with the public and inmates causes much more frustration than needed. If the facilities and DOC could respond in a timely fashion and provide specific information complaints may not be filed and less offenders would be sitting in jails for petty offenses causing overcrowding, shortage of jail staff, and misuse of taxpayer money.

Thank you so much for all of your help!

Jennifer Brown